MINUTES - SPECIAL MEETING
SANTA MARIA CITY COUNCIL

SANTA MARIA FAIRPARK, 937 S. THORNBURG
SANTA MARIA, CALIFORNIA

MARCH 27, 2014

INVOCATION:
Father Jon Mayhew gave the Invocation.

PLEDGE OF ALLEGIANCE TO THE FLAG:
Councilmember Orach led the Pledge of Allegiance.

CALL TO ORDER:
Mayor Patino called the meeting to order at 3:00 p.m.

ROLL CALL:
MEMBERS PRESENT
Councilmembers Boysen, Green, Orach, Zuniga, and Mayor Patino

STAFF MEMBERS PRESENT
City Manager Haydon, City Attorney Trujillo, Director of Community Development Appel, Police Chief Martin, Fire Chief Orr, Deputy City Manager Barnhard, Management Analyst II van de Kamp, Management Analyst II Ladue, Deputy City Clerk Cleary, Clerk II Serio, and Chief Deputy City Clerk Garietz.

Translation provided by CAD Technician Hernandez, Police Records Technician Lupian, Grants Specialist Narez, and Recreation Technician Guevara.

Mayor Patino discussed how the meeting was going to be conducted and due to the sheer number of Spanish speaking only individuals in the audience, that the City would be translating the entire meeting.

1. PUBLIC COMMENT PERIOD.
Janet Cruz, representing LULAC, asked Council to make their decisions tonight based on the voice of the people.

Eulogio Espinoza Gutierrez spoke in opposition to the ICE Facility expressing concerns about the impact on the local economy.

Amancio de la Cruz spoke in opposition to the ICE Facility expressing concerns about the impact on local families and potential deportation of family members.

Ann Burnhart spoke in opposition to the ICE Facility expressing concerns that important information is not being given to the public.

Gina Whitaker spoke about a second letter that was sent to ICE from Congresswoman Lois Capps expressing her concern about the public information being provided to the local community and the speed in which decisions were being made. She also stated concern about the way the topic was dividing the community.

Teressa Arredondo spoke in opposition to the ICE Facility expressing concerns about the current economy and her hopes that the Council will make a good decision this evening.

Valentin Perez spoke in opposition to the ICE Facility and asked the Council to hear what the people of Santa Maria want.

Ricardo Valencia spoke in opposition to the ICE Facility expressing concerns about deportation of family members.

2. APPEAL OF THE PLANNING COMMISSION'S APPROVAL OF A PLANNED DEVELOPMENT PERMIT FOR THE C-4 MCCOY U.S. IMMIGRATION AND CUSTOMS ENFORCEMENT (ICE) PROJECT FOR AN OFFICE BUILDING, 740 WEST CENTURY STREET, PD-2013-0008, E-2013-0023.

Ex Parte Communications
Councilmember Zuniga said that she had met with a group of growers, concerned community members, ICE officials, and the Developer on the project.

Councilmember Orach stated that he had met with ICE officials, the Developer, and community members.

Councilmember Green indicated that he had met with ICE officials.

Councilmember Boysen stated he had met with ICE officials, growers, farmers, and shippers. He also toured the ICE facility in Camarillo.

Mayor Patino stated that she had met with the Strawberry Commission, League of United Latin American Citizens, ICE officials, and ICE officials in Washington, D.C.

Staff Report
Director of Community Development Appel gave a presentation as outlined in the written Council agenda report. The City Council was asked to consider a recommendation from staff to deny the appeals of 1) The League of United Latin American Citizens-LULAC #3187, Pedro Reyes and Gloria Acosta; 2) John McConnell, Suzanne Buhring, and Linda Williams; 3) Community Initiatives for Visiting Immigrants in Confinement (CIVIC), Christina Fialho; and 4) Scott Fina; and uphold the Planning Commission approval of the C-4 McCoy ICE project, PD-2013-0008, as modified in Attachment O (City Council Planned Development Permit Conditions).

The project was submitted in July 2013. It included a General Plan Amendment and a Rezone and Planned Development Permit. The first hearing was in December 2013 and then, on February 5, 2014, the Planning Commission approved, on a 3-1 vote (Vice-Chair Dickerson voting no and Chair Andrade recused), a planned development permit to allow the construction of a 12,700 square-foot office building to house, in part, a facility for U.S. Immigration and Customs Enforcement (ICE), and six-foot-high decorative wrought iron fence along the frontage of the property in a PD/CPO (Planned Development/Commercial Professional Office) zoning district, Assessor's Parcel No. 111-060-084. The environmental impacts of the project had been analyzed in a Negative Declaration (E-2013-0023) prepared for the C-4 McCoy General Plan amendment and zone change, GPZ-2013-0004.

The project had an appeal period from February 6-26, 2014. Under Council Authority, Title 12, Section 35.211(g), Council may grant appeals when they determine that the Planning Commission approved the project in error and Council must apply the Municipal Code to facts deduced from evidence presented in the appeals. There are five (5) findings for approval. 1) the proposed site is adequate in size and topography to accommodate the facility; 2) streets and highways are adequate in width and pavement type to carry the quality and kind of traffic generated by the proposed use; 3) there are no adverse effects on abutting property; 4) the building will not be detrimental to the health, safety, morals, or welfare of the persons residing or working in the neighborhood; 5) the conditions of approval stated in the permit are necessary to protect the public health, safety, and general welfare. To grant the appeal, at least one of the preceding five findings must be found to be in error.

Community Director Appel went on to present the Development beginning with a view of the Site Plan, the zoning designations, and specifications of the building. The facility would be 12,700 square feet and ICE would lease 9,700 square feet. Setbacks are zero on either side and in the rear, and 10 feet in the front, however, the project has been redesigned to provide full landscape coverage and larger setbacks. The building's primary use will be for office use. The three holding rooms total 440 square feet, which is only 3.5% of the building. A decorative wrought-iron fence has been designed to replace the 3-strand barbed wire originally proposed. Mr. Appel noted a correction to Condition No. 3 in the Planned Development Permit that the fence description still included spiked points for the front fencing. If the project is approved, Condition No. 3 will need to be modified (Page 4 of Conditions of Approval – Attachment O to the agenda report).

Mr. Appel went on to address the appellants listed at the beginning of the Staff Report. Appellant No. 2 submitted two addendums to their appeal (several sheets of signatures opposing the ICE facility). The common issues addressed by the appeals included the barbed wire, adverse effects on abutting properties, and health, safety, and welfare. The barbed wire has been removed from the facility plans. Abutting property includes the railroad tracks and lumber yard; future medical buildings to the east; an existing medical building on the south side; and an existing industrial building on the north side. The new building will be a significant improvement over the current buildings located on West Century. The four appeals did not provide substantial evidence or quantifiable data showing that the ICE Facility would have a detrimental effect on the neighborhood such as a decrease in property values. The new 30,000 square foot ICE facility in Camarillo was readily accepted by adjacent neighbors.

Regarding the concern over decreased property values in the neighborhood, market-based information from a local realtor shows property values increased for Foxenwood residents within a quarter mile of the County Juvenile Hall which also has the North County Jail right next to it.

The site conditions of approval (pages 3-23 of the Planned Development Permit) were necessary to ensure the welfare of the community.

In conclusion, a comprehensive response to each issue raised by each appellant had been prepared. The City Council must make written findings of fact setting forth wherein the Commission's findings were in error. Staff does not believe the appeals have presented sufficient evidence to factually conclude the Planning Commission made an error. Staff recommends adopting a resolution denying the appeals and upholding the Planning Commission approval of the C-4 McCoy ICE project, PD-2013-0008 as modified in Attachment O (City Council Planned Development Permit Conditions). An alternate recommendation would be to adopt a resolution granting the appeals and denying the Planning Commissions approval.

Councilmember Green commented that he didn't see anything wrong with the Planning Commission's findings and asked people why they were against the project.

Director of Community Development Appel said the four appellants will be giving information on where they believe mistakes have been made.

Appellants
(Each appellant was given ten minutes to make their presentation followed by ten minutes of translation)
Appellant No. 1 – Speaking on behalf of LULAC were Pedro Reyes and Gloria Acosta. Mr. Reyes said past zoning changes for the medical offices currently on the site required a traffic signal at the intersection of McCoy and Depot. He stated the new ICE facility should require a traffic signal as it will bring in additional traffic to the area. He asked how a traffic signal would be financed. Ms. Acosta spoke regarding the initial votes in favor of the project citing that several aspects of the project should have been voted on separately, but were not. Ms. Acosta said the facility has been incorrectly zoned and should have been zoned a public facility as its main purpose is for the detention and processing of undocumented persons.

Ms. Acosta also argued there will be a fiscal impact to the community citing the agricultural workers and the potential impact of the project to the workforce. Many families may look to relocate thus decreasing the work force and purchase power of immigrant populations in the City of Santa Maria.

Mr. Reyes said the proposed ICE facility was already affecting the community negatively.

Appellant No. 2 – John McConnell and Linda Williams spoke as nearby neighborhood residents to the ICE facility. The appellant's main concern is the health and safety of the neighborhood, the effects on property values, and the conditions of the permit. Mr. McConnell pointed out the supporting 300 signatures on a petition circulated to nearby residents, 132 of which were Foxenwood residents. The reasons for this appeal were based on the following: 1) the location is inappropriate and incompatible with the nearby residential developments irrespective of the mixed use zoning of the area. ICE has explained that 85-90 percent of people they will take into custody and bring to this facility will have multiple criminal convictions of a serious nature. The Appellants believe this facility has no place being so close to residential areas with families and children present. Mr. McConnell went on to say the group disagrees with the Planning Department's assertion that the primary use of the building is for office use with the holding and detaining function a minor, incidental use. The group feels the main purpose of the facility is to detain criminals for deportation processing. 2) In spite of the security precautions by ICE, there will always be a risk of a security emergency or disturbance or possible escape of a detainee. The unexpected can always happen. 3) The group is concerned about the property values in the neighborhood. 4) There may not be a legal requirement for a seller to disclose the presence of the facility to a potential buyer, but the Mr. McConnell explained that the group believed it would be almost imperative to disclose the facility's presence to avoid a possible liability issue with a buyer. 5) Concern was also expressed about monitoring the actual use of the facility since it would be subject to the control and supervision of Homeland Security. 6) The building will also have space for possible future expansion of the ICE facility.

Linda Williams also spoke indicating that there was nothing positive about the location of the facility. Concern for nearby residents, family enjoyment of the neighborhood, and safety issues were concerns emphasized by Ms. Williams' comments. She also expressed concern about the fact that the entire neighborhood was not more informed before the beginning of the project. She asked that Council support the citizens of Santa Maria and not the Federal Government or developers of the project.

Appellant No. 3 – Hazel Davalos spoke on behalf of Christina Fialho, Co-founder and Executive Director of CIVIC. She said every day immigrants disappear from communities across the United States. They are detained by U.S. Immigration and Customs Enforcement for not having proper documentation. Allowing ICE to build a facility, even a short-term processing facility, in Santa Maria will make the City a gateway for U.S. Immigration detention system where people will not be protected. People picked up in Santa Maria will be transported away from friends, family, and community. ICE in Santa Maria will send a clear message to the community that the government's relationship with ICE is growing. She stated this would devalue many Santa Maria citizens and let them know the community would not protect them. Studies have shown that if a county or city is seen as an extension of ICE, community members are less likely to report crime or aide in investigations.

The ICE facility will only harm residents of Santa Maria. The criminal justice system is composed of checks and balances divided up between the district attorney, the public defender, and the judge. People being released from any of the surrounding jails have already served their time when they come into contact with ICE. Once with ICE, these people no longer have the safeguards of our criminal justice system. ICE detainees have no right to a court-appointed attorney, no right to a free phone call, and no protected right to visitation. If the Council approves ICE, all individuals held will be isolated from the outside world indefinitely.

ICE is not a trustworthy partner. CIVIC urges Council to partner with Santa Maria community members and not ICE. The current immigration detention system is in desperate need of reform. Approving ICE will bring no material gains to the city. According to a compilation of federal figures by CIVIC, more than $150 million was allotted to detention contracts in California from October 2011 through last year. While some counties in California actually receive government funds and profit from immigration detention, the City of Santa Maria will not be receiving a dime from the federal government for approving this facility. ICE will be detrimental to the health, safety, morals, and welfare of persons residing or working in the neighborhood. CIVIC respectfully requested that the City Council reverse the Planning Commission's decision.

Appellant No. 4 – Scott Fina stated he had not withdrawn any part of his appeal despite suggestions to the contrary and he was continuing to submit the full appeal as presented. Mayor Patino asked that he proceed and the timer was re-set for ten minutes.

Mr. Fina said the attributes of the planned ICE facility do not meet the Commercial/Professional Office (CPO) land use classification. The Planning Commission assessed the land usage of the planned facility on the basis of the facility's space apportionment, comparing the amount of its office space with the amount of its detention space. The Commission mischaracterized the facility's land usage and erred in finding it to be consistent with the CPO classification.

He also said the facility will have an adverse impact on the safety and welfare of persons residing or working in the neighborhood and on the overall public welfare of the residents of Santa Maria for the following reasons: 1) Officials have stated the new facility will not result in an increase of ICE arrests of criminals in Santa Maria. At the same time, officials are saying they will be bringing convicted criminals into the City for processing and temporary detention, from jails outside the city. Thus, the net effect of the site will be an increase in the presence of criminals in the City. 2) ICE officials have stated that their field arrests are coordinated with the local police. The perception of closer, stronger ties between ICE and the police officers will hinder the efforts of the Police Department to improve and maintain collaborative and positive relations with residents. 3) No long term gain for the City of Santa Maria has been identified.

ICE officials say they cannot construct the new facility on the grounds of the Lompoc Federal Correctional Complex (FCC) where the offices are currently located as the Federal Bureau of Prisons (FBP) does not give their permission. Yet, no one has been able to confirm that this is true. The activities to be undertaken in these offices are mostly in support of the arrest and detention of the undocumented aliens with criminal backgrounds. These core activities are clearly inconsistent with the characteristics of a Commercial/Professional Office land use classification.

Mr. Fina said since the FBP will not allow ICE to bring its detainees onto the grounds of the federal correctional center in Lompoc because of security and liability concerns. He expressed concerns on how such a project would be more relevant and heightened in a mixed-use neighborhood of Santa Maria.

Developer
(The developer was given ten minutes to make their presentation followed by ten minutes of translation)
Dan Blough spoke to the issue of a traffic signal requirement. A traffic study was done and a traffic signal is not required for the project. However, if a signal is required, it is paid for by the City through the collection of traffic mitigation fees.

Bruce Fraser, representing Fraser Seiple Architects, said his firm is 100 percent in agreement with staff's evaluation of the ICE facility project. In response to Mr. Fina's comments regarding the primary use of the building, Mr. Fraser explained the primary use of the building is determined by what is happening on its floor area. Based on the floor plan, the building is primarily covered with work stations, meeting rooms, storage rooms, computer rooms, and training rooms.

Applicant
The applicant was given ten minutes to make their presentation followed by ten minutes of translation)
ICE representative, Deputy Director of Enforcement and Removal Operations Mr. Marin spoke of the outreach efforts ICE has made to the community. The meetings were held to address any questions of the public. The facility will not be a detention center, but rather office space. ICE will not be conducting "round-ups" in the community. The primary function is to take custody of criminals already in custody with other law-enforcement agencies. He stated the ICE facility will be a benefit to the community as they will be keeping criminals off the streets.

Council recessed at 5:50 p.m. and reconvened at 6:38 p.m.

Public Input
(Each member of the public was given one minute to make their presentation followed by one minute of translation)
Isaac Berumen, representing the Latino Business and Community Council in Santa Maria, said he understands how the ICE facility will function. He asked everyone to think about what the effect might be on the local economy.

Walter Taylor, a representative of Stop Oil Development Area 9, spoke against the ICE facility and questioned the fact that ICE representatives had said the new facility could not be built on the property it currently stands on in Lompoc.

Sergio A. Zepeda spoke about being detained for three weeks because his work visa had expired. He hoped Council would vote against the ICE facility this evening as he believes ICE is more about profit than the people.

Sergio Sanchez, representing the California Strawberry Commission, presented more than 300 signatures against the ICE facility. As Santa Maria and America, in general, are so welcoming of immigrants, he wondered how the City could allow the facility at all.

Victor Hernandez explained that this year more than 2 million people have been deported. He asked if all the deportees are criminals. He expressed concern about the separation of families.

Esperanza Salazar of LULAC said she is opposed to the ICE facility. She wanted to know what benefit it will be to the City. She expressed her dislike of calling people illegal immigrants. In her eyes, everyone is a human being.

Arnulfo Romero said he was speaking on behalf of parents in the community. They fear family separations.

Dennis Apel said no one should have to be at the meeting this evening. Fifteen hundred people already came to one public meeting and even more came to another to voice their concern and all were ignored. He said the project has brought shame on the City.

Richard S. Quandt, General Council of the Grower-Shipper Association of Central California, asked the City Council to support the community and grant the appeals based on the fear in the community and numbers of people coming forward against the facility.

Armando Salgado said Santa Maria is one of the largest agricultural areas in the United States. He asked how successful they will be when people start to move out of the area due to the ICE facility.

Ricardo Martinez said he was proud to be a strawberry picker and he was not proud that the City wants to take that away. He said the citizens watch the news everyday in fear. He expressed concern about the separation of children from their parents.

Delia Cantu said she is now more involved in Council meetings and hopes Council appreciates the public outcry. She expressed concerns that the facility is a Federal facility and about the transparency of its daily operations.

Herminio Gonzalez wants the City to talk about immigration reform and then discuss building an ICE facility.

Gilberto Gonzalez said he opposes the ICE facility as he believed it would not bring anything good to Santa Maria. Many people would leave. He indicated that there was not one person in the community who was approached by ICE with any information prior to the decision to go forward with the plans.

Jose Merino Hernandez spoke against ICE. He said he and his agricultural co-workers think it will have a bad effect on the economy.

Efrey Rios said he thought ICE should be located somewhere else. There are ICE facilities all over Southern California, why put one in Santa Maria.

Ricardo Galvan said he has lived in Santa Maria for 20 years. He worries everyday about having ICE approach him for his documentation and arresting him. He would not want to be separated from his four children.

Rafael Gutierrez expressed concern about even needing to hold a meeting like this one. He understands the fear the community is feeling. When this many people show up against something in the community, there is something wrong with the idea. As leaders, he asked Council to support their neighboring community members.

Karen Spease expressed concern that statistics are saying ICE detention is at an all time high while immigration is historically low.

Rafaela Moreno said ICE had said (at the February Planning Commission meeting) they were going to do special operations. She reminded Council about November elections and the impact their decision might have on its outcome.

Ana Salgado spoke against the building and asked how Council could allow the building to be built.

Gloria Acosta spoke as a resident saying an ICE representative had said they would be detaining people and would be participating in raids with the police department. She said this was what was causing fear in the community. She has had family members picked up for not having their ID card on them.

Francisco Sanchez said he has lived in Santa Maria for 20 years. He was illegally here at first, but thankfully received his citizenship later. He has been able to create six supermarkets and two laundromats in the area. He went through a training program that promised to serve the community well. He hoped Council would return the favor.

Will Smith spoke against ICE and recognized all the work the Hispanic community has done to establish Santa Maria. He felt the project was a statement against all of their contributions.

Jaime Garibay stated he does not believe the things ICE officials are saying this evening and feels it was anti-democratic.

Francisco Delgado asked Council to listen to the people. He asked ICE officials to respect the law and only work with criminals, not the public.

Amanda Garcia expressed concern about the effects of ICE on the economy and agricultural workers.

Jose Alfredo Salinas spoke against ICE for fear of arrest if he was not carrying his documentation. He was also concerned about the separation of families.

Maria Ramirez-Martinez said she was concerned about the deportation of agricultural workers.

Clicerio Xicalhua said he was concerned about deportation and separation of families.

Renaldo Luna spoke on the potential negative effect of the ICE facility on local families and the economy.

Mayra thanked Council for holding the meeting this evening and said she believed they would make the correct decision against ICE in an effort to keep families together.

Roberto Fuentes said he wakes up every morning to work hard for his dreams. He feels the ICE facility will turn things into a nightmare for him and the community.

Eva Estrada said she does not think the ICE facility will be fair to the community.

Ipilanio Gonzalez Lopez spoke about the safety of Santa Maria. He appreciates ICE's purpose to protect the community from criminals, but does not consider himself a criminal and is concerned the wrong people will be picked up by ICE.

Carmen TaFolla said ICE has taken her husband by mistake and she was concerned about future mistakes ICE might make in taking the wrong people.

Marisol Guzman expressed concern about the community's mental health as ICE is creating fear in the population.

Carlos Alinocgue said that, as an employer, he was having a hard time finding employees because they are leaving the area. He was also concerned that ICE will just increase the numbers of people leaving.

Alba Maravilla spoke on behalf of the farm workers saying the building of ICE in Santa Maria will not benefit the community. She asked who will take care of the children when the adults are taken away.

Alvaro Rojas said he fears for his children's future if the ICE facility is built in Santa Maria.

Mayor Patino called for a recess at 8:18 p.m. and reconvened the meeting at 8:42 p.m.

Appellants Rebuttal
(Each appellant was given five minutes to make their rebuttal followed by five minutes of translation)
Appellant No. 1 – Gloria Acosta, representing LULAC, said the traffic lights were to be put in when the medical buildings were built next to the proposed location of the ICE facility. There will be an increase in traffic and regulations will be needed. City residents will pay for the costs which total over $250,000 per light post. She expressed concern that the barbed wire could be installed anytime in future change orders to the plans. The main purpose of the building will be to process immigrants. In the Lompoc facility, there are no detainees allowed in the building. She asked why they are being allowed in the Santa Maria facility. She reiterated the detrimental effects of the facility on health, safety, and welfare of the people. Santa Maria Valley brings more than $1 billion in agricultural production. She asked what would happen if the workers leave or are deported. It was the duty of Council to protect the citizen's welfare and represent the people of Santa Maria to be their voice. The citizens say no to ICE.

Pedro Reyes, representing LULAC, also spoke of the cost of the traffic lights. He asked why the facility needed to be relocated to Santa Maria. He reminded everyone of the upcoming elections.

Appellant No. 2 – John McConnell said the letter (Attachment P to the staff report) from one realtor in the community was not enough to convince people that property values would not go down with the proximity of the new ICE facility. He said the two neighborhoods (Foxenwoods and West Century/Depot Street) are not comparable. He went on to say the neighborhood is not suffering from crime. The neighbors want to keep it that way and not bring in criminals. The list of signatures presented with the appeal should be taken seriously. He said more signatures could have been obtained given more time. He challenged the City to offer more data supporting the positive impact of the facility.

Appellant No. 3 – Hazel Davalos, representing CIVIC, spoke to the benefit of the ICE facility. The one benefit ICE stated was that it would remove the most significant criminals off the streets. But

according to ICE's own data, the majority of deportations from Santa Barbara County are what ICE defines as low-level one-time criminals and non-criminals. Approving this project will facilitate deportation that will separate families and hurt the local economy.

Appellant No. 4 – Scott Fina spoke to his original appeal presentation and asked for translation. In summary, ICE could build anywhere. Santa Maria depends on its hard working people who carry the economy of Santa Maria on their backs. Their interests should also count. The item that really needs working on now is immigration reform. Intimidating undocumented residents is not the answer. He thanked Council for the opportunity to speak before them tonight.

Developers' Response
(The developer was given five minutes to make their response to the rebuttal arguments followed by five minutes of translation)
Dan Blough said the traffic signal had been evaluated and was not necessary. The barbed wire is no longer a part of the project plans. The health and safety of the residents would not threatened by this project. Neighboring homeowners do not need to worry about any problems from detainees and their transportation to and from the facility. He said there was no evidence that property values would be affected. There are no plans, nor is it possible, to expand the building, so expansion should not be a concern for anyone. The petitions were not credible as it was based on assumptions, not facts. Eight marketing studies were done over the last six years which concluded that there are not other sites available in the City for this facility. The ICE mission and jurisdiction would not change because of the location of this building.

Don Walter, of Walter Brothers Construction, said it would be possible to monitor the activities of the building, so that should not be a concern to the public.

Applicant's Response
(The applicant was given five minutes to make their response to the rebuttal arguments followed by five minutes of translation)
Deputy Director Marin said he oversees ICE operations in Southern California. He stated that the facility was not a detention center, but rather an office building. ICE has been operating in this area since 1996. He indicated that there have never been any raids or sweeps during that time. They make targeted arrests on those individuals that meet their criteria which include convicted criminal aliens and those who have re-entered the United States after being deported.

Written Communications
Chief Deputy City Clerk Garietz indicated that staff has received 196 emails or letters opposing the construction of the ICE Facility in the City of Santa Maria. Approximately 20 were received from individuals that are out of the area. She indicated that the correspondence generally expressed concerns about the deportation of agricultural workers and lack of workers for the farms, the proximity to residential neighborhoods, the potential for criminal escapes, the unfair/inhumane conditions or treatment of detainees, and the separation of families.

Additionally, she indicated that 5 emails or letters were received in favor of the ICE Facility. The correspondence generally sited the facility's proximity to the new Police Station, the Airport, and Sheriff's Facilities on Foster Road, the return of violent criminals to their Country of origin, support for the builder, Donnie Walter, the fear from the community was unwarranted and scare tactics, and being impressed with the Camarillo facility, that one should be in Santa Maria.

Mayor Patino closed the public hearing at 9:36 p.m.

Council Discussion
Councilmember Zuniga asked Mr. Fraser about the possibility of expanding in the future and if there was the ability to modify the building.

Bruce Fraser responded the approval for the materials used does not allow for further detention expansion, only for further office space.

Councilmember Boysen talked about Mr. Zepeda who indicated that he had been deported in 2003. ICE officials had said deportation had not happened in decades. He asked what the real function of ICE would be.

ICE Representative David Marin responded their mission is to identify and apprehend criminal aliens and those who have re-entered after having been deported.

Councilmember Boysen asked about 2003 being a pivotal year for homeland security.

ICE Representative David Marin responded that as a result of 9-11, the Department of Immigration and Naturalization became ICE under the Department of Homeland Security, and its mission changed. At that time, illegal aliens would have been deported, but that is not how operations currently work.

Councilmember Boysen asked for a general figure on the number of deportations in the United States processed through ICE on an annual basis.

ICE Representative David Marin responded that in 2013, 400,000 people were removed from the United States. Approximately 85 percent of whom were convicted criminals. The other 15 percent had crossed the border illegally and had an opportunity to speak in front of a judge. Those individuals who re-entered the country after being removed, were returned. Mr. Marin said the Lompoc office currently processes about 100 detainees per month.

Councilmember Boysen asked if it was true that since 2012 there had been a significant decline in immigration. Mr. Marin said he could not comment on those statistics as they were a border patrol statistic, not an ICE statistic.

Councilmember Orach asked about how ICE proceeds when they have a suspect.

ICE Representative David Marin responded that ICE goes to the person's home and takes custody of them. In extenuated circumstances, other family members may be questioned and/or detained, particularly if weapons or drug paraphernalia were present. A background check might also be done.

Councilmember Green asked what documentation is presented by ICE representatives when they go to pick someone up.

ICE Representative David Marin responded they take a criminal history printout showing previous convictions, conviction documents from the courthouse, and any other records leading them to the person (DMV records, for example).

Councilmember Zuniga said only 3.5 percent of the total building would be used for detainees, based on the plans. But in conversations, the indication has always been that Santa Maria is a prime location for the building because of the access to Highway 101 and because it was mid-way between northern and southern ICE pick-up places. She asked why it was a good location for processing detainees if the primary focus of the office is administrative.

ICE Representative David Marin responded that administrative functions frequently cannot be done without having the people they have arrested right there with them to do things like fingerprinting and obtaining information by asking questions in person.

Councilmember Zuniga asked if the primary administrative function of the office is to process to detainees.

ICE Representative David Marin responded that her statement was correct and other paperwork is taken care of that may not include processing specifically, i.e. employment training.

Councilmember Zuniga said she understood 12 agents would be relocated to Santa Maria.

Mr. Marin responded 13 persons would be relocated. One supervisor, two clerical staff, and the rest will be agents and officers.

Councilmember Zuniga asked how many people per day would be processed, and what the agents who are not processing detainees would be doing.

Mr. Marin said, in general, 3-6 detainees per day would be processed with a maximum of 13 per day. Agents not involved in the processing that day are working paperwork for detainees who may be coming in the next few days.

Councilmember Orach commented that when a development takes place, fees are charged to the developer for traffic lights. The developer also pays fees for the signal installation. Traffic studies determine when the light needs to be installed.

Councilmember Zuniga asked about the possibility of expansion and parking spaces.

Director of Community Development Appel responded that parking was calculated for the entire building including the vacant unleased area of the building. Fifty spaces are being provided for both the ICE facility and additional office space.

Councilmember Zuniga asked for clarification on the conditional uses, and asked about the City's oversight authority to monitor the conditional uses.

Director of Community Development Appel responded there are 20 pages of conditions based on the project description submitted by the applicant from the beginning. Those conditions are included as part of the project. The hours of operation, being closed on weekends, etc., were already part of the approval. If conditions are not followed, the City will contact the applicant to resolve the issue. If unsolvable, the issues would be brought back to the Planning Commission.

Councilmember Zuniga asked if the mitigation fees for the dialysis unit were waived.

Developer Dan Blough responded that the fees were not waived and actually cost about $200,000.

Council Deliberations

Councilmember Orach said that he managed a facility on West McCoy with barbed wire across from Foxenwoods. It was oil fields and horses. It was rezoned from industrial to allow houses. The facility is currently there with barbed wire and fencing. He indicated that his point is that the area was zoned industrial, commercial, and housing.

Councilmember Boysen commented that no one should live in fear and everyone in the community should feel safe. The City has made great strides with the Hispanic community, and he does not want to see that trust broken. He wants the public to feel comfortable to report a crime. He wants the community to want to get the bad guys off the street. The City cannot have the community fearing being reported to immigration. He stated that there was a significant need for immigration reform. He stated it was his belief that ICE has the potential to be another tool for public safety if ICE performs as indicated. It appeared to him to be a government facility, and it should be in public facility zoning. He asked staff if it was an appropriate use for CPO zoning. He asked what necessary to make the facility public zoning.

Director of Community Development Appel responded staff believes CPO is still appropriate for the project, however, sometimes projects fit in multiple zones. If Council feels it would be more appropriate, zoning could be changed with direction to Staff.

Mayor Patino thanked the public for attending this evening. She also thanked the staff for all the work to put this meeting together. She also thanked the representatives from the Strawberry Commission, and Dottie Lyons who went door to door to help with explaining ICE's mission in Santa Maria. Though ICE had operated in the area for years and felons were removed from our community, they continue to be a threat. When the City did the rezone on the property, all appropriate measures were taken with noticing. She has met with the Superintendants of the elementary schools about the impacts to the children and families being separated due to ICE. They each indicated that there was no evidence of that in the schools. She also talked to the principal at Santa Maria High School who indicated that the some of the students and their parents were fearful. She went on to state she thought ICE could have approached the community differently with the proposed facility. She did speak with ICE in Washington D.C, recently, and they are the people making the decisions. They have confirmed everything ICE has presented this evening. She explained to ICE that there was fear in the community. Mayor Patino said she respects the opinion of every Planning Commissioner. She indicated that she had spoken with Congresswoman Lois Capps, but she did not see a purpose to delaying the decision tonight. The crimes detainees are guilty of include lewd acts with children, homicide, possession of drugs, and multiple convictions. These are the people we want removed from our community, not the people who have put their heart and souls into Santa Maria.

Councilmember Zuniga thanked the City's staff for putting the meeting together. She also thanked the Fire Chief and Police Chief and all of the Police Officers in attendance tonight. She thanked the developers, contractors, and property owner for trying to remove the fears of the community by answering questions. The issue has far expanded the immigration conversation having heard feedback from homeowners, farmers, and all citizens of the City. She said she was concerned that ICE's mission could change based on ICE administration's direction. She mentioned the $41,000 in property tax the City will receive if ICE is built. In balance, this did not compare with the possible

dollars the City might lose. She asked what do you call people who have been convicted and served their time then are being processed, and their only crime is being here illegally. Taking everything into account, she felt the facility would not add anything to the community and the detriment of it could be great.

Councilmember Zuniga made a motion to adopt Resolution No. 2014-22 granting the appeals and denying the Planning Commission's approval of the C-4 McCoy project, (PD-2013-008). The Motion died for lack of a second.

Councilmember Boysen asked for other examples of other uses in a CPO zone.

Director of Community Development Appel responded that the FBI has a building in the City that processed dangerous criminals, and there has been no impact to the local residents.

Councilmember Boysen asked how it was different from the Police Department.

Director of Community Development Appel responded that ICE has a more focused mission. Both facilities have clerical support and office functions, so staff believes the ICE parameters fit in the zoning of the facility.

Mr. Appel said even if ICE had asked to move into an existing building, it would have been approved as an office and allowed to move in.

Councilmember Orach commented that there were other federal agencies in the City that are in office CPO zoning, and were not required to do a change to a special zoning. He thanked the translators and the public for their testimony this evening. As Councilmembers, each of us has taken an oath to support and defend the Federal, State, and City laws and the community has been very liberal in enforcing some of the laws. He indicated that the project being proposed this evening was to help remove ex-convicts, ex-felons, who do not have a right to be in this Country.

Resolution No. 2014-21 was adopted recommending that the City Council deny the appeals and uphold the Planning Commission's approval of the C-4 McCoy ICE project, PD-2013-0008, as modified in Attachment O (City Council Planned Development Permit Conditions) to include the revision to Condition #3 that removes the words "with pressed point" from the text on motion by Councilmember Orach, seconded by Councilmember Green, and carried on the following vote:

AYES:	Councilmembers Boysen, Green, and Orach
NOES:	Councilmember Zuniga and Mayor Patino
ABSENT:	None
ABSTAIN:	None

ADJOURNMENT:
There being no further business to come before the City Council at this time, Mayor Patino declared the meeting of the City Council adjourned at 11:00 p.m.

APPROVED:

April 15, 2014
Date

Rhonda M. Garietz
Chief Deputy City Clerk of the City of Santa Maria and ex officio Clerk of the City Council

Alice M. Patino
Mayor of the City of Santa Maria

ATTEST:

Rhonda M. Garietz, CMC
Chief Deputy City Clerk